

REMARKS

1 The finality of the rejection is respectfully traversed. Applicants are
2 entitled to a responsive reply, but this action is not responsive to the
3 previous amendment.

4 The drawings are objected to under 37 CFR 1.83(a). Applicants
5 have made changes to the claims (removing the “and/or”) that
6 eliminate the grounds for rejection, but the examiner has persisted
7 in his rejection. The examiner’s obligation is to specify why the
8 changes made are insufficient, but he has made no attempt to do
9 so.

10 The objection to the specification under 37 CFR 1.75(d)(1) is
11 respectfully traversed. The same changes to the claims that
12 removed the basis for the objection to the drawings (removing the
13 “and/or”) also removed the basis for this objection, but the examiner
14 has not withdrawn the objection or explained why the changes are
15 insufficient.

1 The rejection of the claims under 35 USC 112 is respectfully
2 traversed. The phrase to which the examiner objects: "a first
3 subsystem the does not have data" is not found in any claim.
4 Again, the examiner has not withdrawn the objection or explained
5 why the changes are insufficient.

6 For the foregoing reasons, it is evident that the present office action
7 is not responsive to the changes in the claims and therefore that it is
8 improper for the rejection to be final.

9 Claim Rejections - 35 USC 102

10 The rejection of claim 18 under 35 USC 102 is respectfully
11 traversed. The claim has been canceled.

12 Claim rejections under 35 USC 103

13 The rejection of claim 19 under 35 USC 103 is respectfully
14 traversed, since the claim has been canceled.

1 The rejection of claims 1, 3, 5-6, 10, 12-14, 17, 21, 23 - 24, 26, 28-
2 29 under 35 USC 103 is respectfully traversed.

3 Applicants maintain that the two references do not combine to meet
4 the present claims.

5 Applicants readily agree that the concept of activation is well known.
6 The concept is broad, however, and Wollrath is dealing with an
7 instance in which existing programs (objects, etc,) are turned off or
8 on in response to the activation token (page 2, first paragraph) in
9 order to conserve system resources, not for security.

10 Wollrath, in the right column of page 8 cited by the examiner,
11 specifies that "These tokens must supply the following information:
12 a unique identifier for the object, the address of the objects
13 activator, the executable file name of the server program, - ", etc.

14 In other words, Wollrath's system is one in which: a) the properties
15 of the various objects are known to the subsystem that transmits
16 activation tokens; and b) the danger of revealing properties of the
17 objects to a third party is not a concern. In particular, the first

1 subsystem must know the address of the object's activator, which is
2 unique to each system.

3 This requirement distinguishes Wollrath's teaching from that
4 required by the claims, in which security is the purpose of the
5 activity, so that the provider transmits at least two sets of
6 parameters to its customers without an indication being transmitted
7 to tell the customer which data to use; (i.e. naming characteristics
8 does not include the identity of customer subsystems having a
9 particular set of characteristics).

10 As discussed on page 5, the provider transmits general data that is
11 interpreted by the customer, so that an observer will not be able to
12 deduce the system parameters of the customer.

13 Applicants maintain that this approach is contrary to that of
14 Wollrath, in that it is relatively inefficient by forcing the individual
15 customer systems to make a decision that could be more efficiently
16 done at the central provider location,

1 Norton teaches an updating system that is not concerned with
2 system characteristics, i.e. modifying the system code, but rather
3 supplies data to a data file.

4 Applicants maintain that the term “system characteristics” as used
5 in the specification and claims has the conventional meaning of
6 aspects of the system code that enable the system to perform
7 various functions, e.g, performing word processing functions and
8 also performing spreadsheet operations, depending on which of
9 various code modules are loaded in that particular system.

10 In contrast, Norton deals with updating data, which is not thought of
11 as a system characteristic. For example, if a word processor
12 receives an update to its dictionary, that would not be considered by
13 those skilled in the art as a system characteristic.

14 If the same word processor receives code implementing a
15 spreadsheet, which was not previously present in that model of the
16 word processor, that addition would be thought of as a change to
17 the system characteristics, since it enables a new function. In
18 contrast, the addition of new words to the dictionary does not enable
19 a new function, but increases the scope of an old function.

1 The Norton example resembles the illustration of updating the
2 dictionary, since it merely adds some new viruses to the ones that
3 were previously recognized. The system characteristic is the same
4 - recognizing viruses and dealing with them. The only change is
5 that the number of viruses recognized is increased.

6 The examiner has ingeniously attempted to add a time aspect to the
7 concept of system characteristic; i.e. a new virus definition that has
8 been added previously is not now needed, so that the virus
9 definition is not now relevant. Applicants maintain that this attempt
10 is not valid because blocking the new virus was and is still relevant;
11 i.e. even if a virus definition is taken to be a system characteristic,
12 the examiner's example fails to meet the relevance test.

13 Neither the Wollrath reference nor the Norton reference has this
14 concept of relevance of data changing in time. The examiner has
15 made it up using hindsight.

16 In addition, the Norton example fails the requirement that the
17 naming of system characteristics determines whether the token is
18 relevant. The user receives a different update dependenig on
19 whether he has Windows 95 or 98; i.e. a cracker can tell by the date

1 of the update which version of Windows (and thus which version of
2 Norton) the customer has.

3 In addition, the claims do not contain this time-dependent notion of
4 relevance.

For the foregoing reasons, allowance of the claims is respectfully solicited.

Respectfully submitted,


by: Eric W. Petraske, Attorney
Registration No. 28,459
Tel. (203) 798-1857